IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.MC.No. 616 of 2006()

CC.526/2005 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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PETITIONER:

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1. VISWANADHAN, S/O.LATE SIVARAMAKRISHNAN, AGED 50, WARRIATH PUTHEN MADOM, PALACE ROAD, ALUVA

2. AJITH KUMAR, S/O.CHANDRASEKHARAN NAIR, VANDANAM, EAZHIKKARA P.O., N.PARUR.

BY ADV. SRI.BABU PAUL

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.616 of 2006

Dated this the 22nd day of November 2006

O R D E R

The grievance of the petitioner is that in spite of the undertaking given before this court in Crl.M.C.No.1983/2005 and other connected matters, prosecution against the petitioner under the provisions of the Lotteries Regulation Act is unnecessarily continuing. It is submitted that an undertaking has been given on behalf of the state that such prosecution shall not be continued and no action shall be taken to prosecute the alleged offenders. The learned counsel for the petitioner pointed out that in identical situation, orders have been passed by this court in various other Crl.M.Cs including Crl.M.C.No.1581 of 2004. The learned public prosecutor was requested to take specific instructions. The learned public prosecutor, after taking instructions, submits that the state has no objection in the prosecution being quashed now in the light of the undertaking already given.

2. I am, in these circumstances, satisfied that the prayer in this Crl.M.C can be allowed. This Crl.M.C is accordingly allowed. The prosecution of the petitioners in C.C.No.526/2005 before J.F.C.M-I, Aluva shall stand quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006